

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


'08 MJ 8373

UNITED STATES OF AMERICA)	Magistrate Case No.:
)	
Plaintiff,)	COMPLAINT FOR VIOLATION OF
)	
v.)	21 U.S.C. § 952 and 960
)	Importation of a Controlled
Sergio LOPEZ-Marquez,)	Substance (Felony)
)	
Defendant.)	

The undersigned complainant being duly sworn states:

That on or about May 4, 2008, within the Southern District of California, defendant Sergio LOPEZ-Marquez, did knowingly and intentionally import approximately 46.14 kilograms (101.51 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Vincent McDonald Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5TH
DAY OF MAY 2008.



William McCurine
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
Sergio LOPEZ-Marquez

3 STATEMENT OF FACTS

4 This complaint is based on the reports, documents, and notes furnished to U. S.
5 Immigration and Customs Enforcement Special Agent (S/A) Vincent McDonald.

6 On May 4, 2008, at approximately 0645 hours, Sergio LOPEZ-Marquez attempted to
7 enter the United States from the Republic of Mexico via the Calexico, CA East Port of
8 Entry. LOPEZ was the driver, sole occupant, and registered owner of a 1979 Chevrolet
9 Malibu.

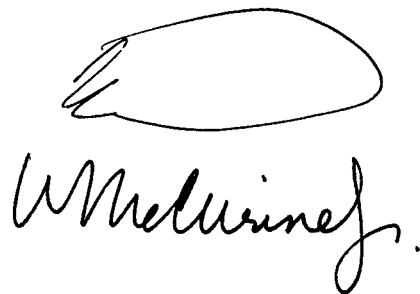
10 Customs & Border Protection Officer (CBPO) S. Baca and CBPO D. Alba were
11 conducting pre-primary operations at the vehicle crossing lanes of the Calexico, CA East
12 Port of Entry when CBPO D. Alba's canine alerted to the rear area and trunk of a 1979
13 Chevrolet Malibu.

14 CBPO S. Baca observed LOPEZ was the driver and sole occupant of the vehicle.
15 CBPO S. Baca obtained a negative Customs declaration from LOPEZ. LOPEZ claimed to
16 be a United States citizen. CBPO S. Baca asked LOPEZ where he was going. LOPEZ
17 stated he was going to "San Ysidro", where he resided. CBPO S. Baca asked LOPEZ who
18 owned the vehicle. LOPEZ stated he owned the vehicle for approximately six or seven
19 years. CBPO S. Baca asked LOPEZ if he worked. LOPEZ claimed he worked for a
20 construction company but could not remember the name. CBPO S. Baca and CBPO D.
21 Alba escorted LOPEZ and the vehicle to the vehicle secondary (VS) area from primary
22 inspection lane number one for further inspection.

23 In the VS inspection area, CBPO S. Baca continued to examine the Malibu. CBPO
24 S. Baca inspected the rear seat and observed a non-factory compartment with an access
25 plate behind the seat.
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1 The access plate was opened and it revealed hidden packages. A total of 26
2 packages were extracted from the secret compartment wrapped in clear cellophane and
3 brown postal tape, the combined weight of the packages was 46.14 kilograms (101.51
4 pounds). A package was probed and produced a green-leafy substance. The substance
5 was field-tested and tested positive for marijuana.
6

7 LOPEZ was placed under arrest and advised of his rights per Miranda, which he
8 acknowledged and waived, agreeing to answer questions without the presence of an
9 attorney. LOPEZ claimed a female named "Maria" is the person who provided him with the
10 marijuana in Mexico. LOPEZ stated "Maria" provided him with \$400 to register the vehicle
11 in his name several weeks prior to transporting the drugs. LOPEZ stated he knew
12 marijuana was inside the vehicle but he did not know where the drugs were hidden.
13 LOPEZ claimed "Maria" would pay him \$1,700 for the transportation of the drugs. LOPEZ
14 stated he was instructed to cross the border and wait for "Maria" to locate him on the
15 United States side of the border with further instructions.
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W. McKeen